IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 20482 of 2001

Between:

T. Munirathnam, S/o. Munuswamy, 55 yrs,
R/o. Dasukuppam village
& another.

..... PETITIONERS

AND

Government of Andhra Pradesh,
Rep. by its Secretary, Roads & Buildings,
Secretariat, Hyderabad
And three others

.....RESPONDENTS

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 20482 of 2001

ORDER:

This writ petition is filed by the petitioners, who are claiming to be the allottees of house-sites in an extent of 5 cents each in Sy.Nos. 130/1 & 2 of Dasukuppam village, Satyavedu Mandal, Chittoor district, seeking writ of mandamus declaring the action of the respondents 1 & 2 in permitting the 3rd respondent, at the behest of the 4th respondent, from deviating the sanctioned plan insofar as forming bye-pass road to Dasukuppam village in K.M.41/2 to 43/0 of Puttur-Satyavedu road, as illegal, arbitrary and violative of principles of natural justice, and consequently direct the respondents not to lay road on the petitioners land.

2. It is stated that the respondents proposed to lay a bye-pass road to Dasukuppam village, and originally the work was allotted to the 3rd respondent for laying the road, and subsequently, according to the petitioners, at the instance of the 4th respondent, the 3rd respondent proposed to change the approved alignment of the bye-pass road so as to effect the

land of the petitioners, which was assigned to them for the purpose of providing house-sites. Therefore, the present writ petition is filed and this Court granted an order of status-quo as early as on 15.10.2001.

3. A counter is filed on behalf of the respondents disputing and denying the claim as to the change of alignment of the plan by the 3rd respondent, at the instance of the 4th respondent. It is stated that originally forming of bye-pass road was proposed in approved plan, but, however, due to the non-feasibility of the original proposal, the alignment was revised and as per the revised proposal, the bye-pass road is to be laid through the Government poramboke land and in the process the petitioners' land may also be effected to some extent, and the revised proposal of re-alignment is only because of the non-feasibility of the original proposal, and not at the instance of the 4th respondent. It is stated that the revised alignment proposals were under consideration. In the meanwhile, the petitioners rushed to this Court by filing the present writ petition.

4. Heard both the learned counsel and considered the material on record.

5. Since it is proposed to lay a bye-pass road, the same would not be cancelled by the proceedings of this Court either

in the present writ petition filed by the petitioners, or by any other individual, as long as the proposed bye-pass road would benefit the public at large. Therefore, the respondents are directed that as per the revised alignment, if the land of the petitioners is required for laying the bye-pass road, they can do so. However, the petitioners shall be provided an alternative land, if the land, which was assigned to them for house-sites, is affected, so as to provide house-sites, where they can put up their houses.

6. The writ petition is accordingly disposed of with the above observations and directions. No costs.

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S.ANANDA REDDY.J

Dated: 18..07..2007
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THE HON'BLE MR. JUSTICE S.ANANDA REDDY

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Dt. 18..07..2007